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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,195	02/07/2002	C. Kenneth Storer	16091-00002	6483

7590 07/23/2003

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EXAMINER

BRITTAIN, JAMES R

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 07/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/067,195

Applicant(s)

STORER ET AL.

Examiner

James R. Brittain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5,7 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8 is/are allowed.
- 6) ☒ Claim(s) 1,3,5 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION***Allowable Subject Matter***

Applicant's traversal of the rejection of claim 2 (first page of the remarks, ¶3, lines 4-9) has been found persuasive. However, the claim 1, which incorporates the subject matter of claim 2, now stands rejected over Hill (US 2504836) in view of Georgopoulos (US 5419599) and Buttriss (US 4047268). The prior indication of allowable subject matter in claim 4 is withdrawn in view of the newly cited reference of Meeks (US 4537432). A rejection based on Meeks follows for claim 7. The inconvenience to applicant is regretted.

Claim 8 is would be allowed if rewritten to overcome the following objection.

Claim Objections

Claims 1, 7, and 8 are objected to because the term "said second end" (first occurring in claim 1, line 11; claim 7, line 11; claim 8, lines 7-8) lacks clear antecedent basis. Correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hill (US 2504836) in view of Georgopoulos (US 5419599) and Buttriss (US 4047268).

Hill (US 2504836) (figures 1-3) teaches worm drive clamp structure including a worm 5 having a spiral thread with a head 19 above an upper end and a ratcheted portion 22 disposed

below a lower end with a knob extending through the bottom wall of the housing so as to assist in orienting the worm as shown in figure 2; a flexible strap 9 provided with a plurality of grooves on an outer surface thereof for engagement with the worm that extend through the strap so as to also define grooves on the inner surface of the strap; and a housing 14 having a pawled portion 23 at a lower end thereof that engages the ratcheted portion 22 of the worm and a slot in the bottom wall between the housing 14 and saddle 13 to receive the second end of the strap. The differences are that the bottom wall is not held between the knob and the pawled portion and the pawl and ratcheted recess are reversed in applicant's claims so that the pawl is on the worm and the ratcheted recess is in a bottom wall of the housing. However, Buttriss (figures 1, 2, 5, 7) teaches that it is desirable to provide a knob 29 on the end of the worm so that the worm can be secured temporarily in the housing until the clamp is tightened. It would have been obvious to modify the clamp of Hill so as to hold the bottom wall between the knob and pawled portion in view of Buttriss (figures 1, 2, 5, 7) teaching that it is desirable to provide a knob 29 on the end of the worm so that the worm can be secured temporarily in the housing until the clamp is tightened and to locate the pawled portion on the worm and the ratcheted recess in a bottom wall of the housing because the reversal of parts is well established as an obvious expedient *In re Gazda*, 219 F.2d 449, 104 USPQ 400 (CCPA 1955) and Georgopoulos (US 5419599) teaches that it is well known in seals to place the pawl 76 on the rotor 24 and the ratcheted recess 34 in a bottom wall of the housing (figures 1-7) and also that the ratchet and pawl structure can be interchanged between the housing and rotor (claim 16 of Georgopoulos) since the reversal of the placement of the ratchet and pawl structure would lead to a locking structure that functions equally well. As to

claim 3, the end of the band interlocking with the saddle extends to the left under the slotted end 15 of the band and forms a tab as shown in figure 2.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hill (US 2504836) in view of Georgopoulos (US 5419599) and Meeks (US 4537432).

Hill (US 2504836) (figures 1-3) teaches worm drive clamp structure including a worm 5 having a spiral thread with a head 19 above an upper end and a ratcheted portion 22 disposed below a lower end with a knob extending through the bottom wall of the housing so as to assist in orienting the worm as shown in figure 2; a flexible strap 9 provided with a plurality of grooves on an outer surface thereof for engagement with the worm that extend through the strap so as to also define grooves on the inner surface of the strap; and a housing 14 having a pawled portion 23 at a lower end thereof that engages the ratcheted portion 22 of the worm and a slot in the bottom wall between the housing 14 and saddle 13 to receive the second end of the strap. The differences are that the strap lacks spikes adjacent the housing and the pawled portion and the pawl and ratcheted recess are reversed in applicant's claims so that the pawl is on the worm and the ratcheted recess is in a bottom wall of the housing. However, Meeks (figures 1, 2) teaches that it is desirable to place spikes 16 adjacent the housing so as to hold the seal securely in place upon the neck of a cash bag (col. 2, lines 65-68). It would have been obvious to modify the clamp of Hill so that it has spikes adjacent the housing in view of Meeks (figures 1, 2) teaching that it is desirable to place spikes 16 adjacent the housing so as to hold the seal securely in place upon the neck of a cash bag (col. 2, lines 65-68) and to locate the pawled portion on the worm and the ratcheted recess in a bottom wall of the housing because the reversal of parts is well established as an obvious expedient *In re Gazda*, 219 F.2d 449, 104 USPQ 400 (CCPA 1955)

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and Georgopoulos (US 5419599) teaches that it is well known in seals to place the pawl 76 on the rotor 24 and the ratcheted recess 34 in a bottom wall of the housing (figures 1-7) and also that the ratchet and pawl structure can be interchanged between the housing and rotor (claim 16 of Georgopoulos) since the reversal of the placement of the ratchet and pawl structure would lead to a locking structure that functions equally well.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is 703-308-2222. The examiner can normally be reached on Monday - Friday from 5:30 to 2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

~~Any inquiry of a general nature or relating to the status of this application or proceeding~~
should be directed to the receptionist whose telephone number is 703-308-1113.



James R. Brittain
Primary Examiner
Art Unit 3677

JRB
July 18, 2003